Appln. No. 10/790,981
Amdt. dated January 11, 2008
Reply to Office Action of July 13, 2007

PATENT

REMARKS/ARGUMENTS

Claims 1-20 remain pending in this application and stand rejected. Claims 1, 2, 4, 6, 7, 11, 13 and 20 are amended to clarify their respective languages. For example, claim 1 now recites, in part, "wherein each of the second plurality of possible positions comprises each of the first plurality of possible positions shifted by one position unit wherein the selected second position is used to determine the position of the synchronization pattern in the serial stream of incoming data."

Claims 1-3, 8-9, and 20 stand rejected under 35 U.S.C. § 101 as being non-statutory for failing to produce any real world tangible result. Claims 1-9 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kerns el al., U.S. Patent 6,819,679, ("Kerns") and further in view of Wright et al., U.S. Patent 7,103,049 ("Wright"). Claims 19 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kerns, Wright, Mo et al., U.S. Patent 7,151,773 ("Mo") further in view of Taborek, Sr. et al., U.S. Patent 7,020,729 ("Taborek"). Claims 10 and 13-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Taborek further in view of Wright. Claims 11 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Taborek, Wright further in view of Swoboda et al., U.S. Patent 6,085,336 ("Swoboda").

In view of the foregoing amendments and following remarks, reconsideration of the rejections of claims 1-20 is respectfully requested.

The specification is amended to overcome the objections made by the Examiner. Furthermore, the amendment to claim 1 is believed to overcome the rejections made to claims 1-3, 8-9, and 20 under 35 U.S.C. § 101.

Claims 1-9 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kerns further in view of Wright. Applicant submits that Kerns, whether taken alone or in combination with Wright, fails to teach or suggest claim 1 for at least the following reasons. Claim 1 is directed to "[a] method of determining the position of a synchronization pattern in a serial stream of incoming data." The method includes "selecting a first position from a first plurality of possible positions; testing the first selected position" and "if the first selected

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position is not correct, selecting a second position from a second plurality of possible positions, wherein each of the second plurality of possible positions comprises each of the first plurality of possible positions shifted by one position unit."

As best understood, at column 4, lines 37-50, Kerns discusses a step for packaging frames or packets and storing their lengths into a frame header. There is no disclosure in Kerns, however, of "selecting a first position from a first plurality of possible positions", as is recited in part, in claim 1.

Kerns also fails to disclose "if the first selected position is not correct, selecting a second position from a second plurality of possible position", as is recited in part, in claim 1. As best understood, at column 6, lines 24-31 and lines 38-42, Kerns describes choosing the next sequential frame in response to results of not HOK and false LCP. Contrary to the Examiner's assertion, Kerns' choosing of the next sequential frame is different from "selecting a second position from a second plurality of possible positions", as recited in claim 1, which Kerns fails to teach or suggest.

Moreover, claim 1 is directed to a method of determining " the position of the synchronization pattern in the serial stream of incoming data." In other words, claim 1 is directed at incoming data. In contrast, Kerns' disclosure appears to be directed to packaging frames or packets on the transmit side (outgoing data) of the network medium interface. As is also pointed out correctly by the Examiner, Kerns also fails to teach or suggest "each of the second plurality of possible positions comprises each of the first plurality of possible positions shifted by one position unit" as recited, in part, in claim 1.

Contrary to the Examiner's assertions, Wright also fails to teach or suggest "each of the second plurality of possible positions comprises each of the first plurality of possible positions shifted by one position unit." As best understood, at column 2, lines 38-45, Wright discusses a method of achieving cell delineation by a number of one-bit shifts. For any given one-bit shift, Wright has only one next possible position and thus fails to disclose "a plurality of possible positions". Therefore, Kerns, whether alone of in combination with Wright, fails to disclose a second plurality of possible positions. Claim 1 and its dependent claims 2-9 are thus

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allowable over Kerns in view of Wright. Claim 10 and its dependent claims 11-20 are allowable for at least the same reasons as is claim 1.

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (650) 752-2424.

Respectfully submitted,
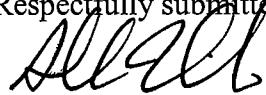
Ardeshir Tabibi
Reg. No. 48,750

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: (650) 326-2400
Fax: (650) 326-2422
AT:EJT
61105552 v1